

Clerk, U.S. District Court  
Southern District of Texas  
FILED

OCT 8 2014

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

**Jay Denton McMULLAN**

**Robin Marie FISHER**

**CRIMINAL COMPLAINT**

Case Number:

**C-14-1074M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 10/7/2014 in Brooks County, in the  
(Date)

Southern District of Texas defendant's **Jay Denton McMULLAN and Robin Marie FISHER**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

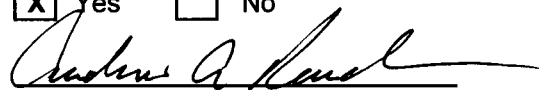
in violation of Title 8 United States Code, Section(s) 1324

I further state that I am a(n) Senior Special Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of ICE Special Agent **Andrew A. Rendon**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

  
Signature of Complainant

**Andrew A. Rendon**

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

**October 8, 2014**

Date

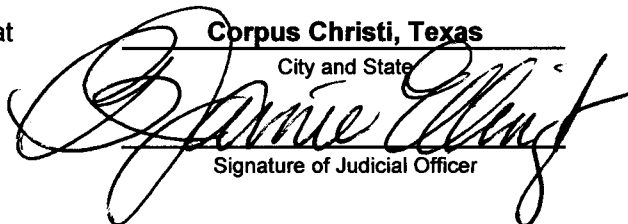
**B. Janice Ellington, U.S. Magistrate Judge**

Name and Title of Judicial Officer

at

**Corpus Christi, Texas**

City and State

  
Signature of Judicial Officer

A F F I D A V I T

On October 7, 2014, United States Border Patrol (USBP) Agent Jenna McLean was performing her assigned immigration inspection duties at the Falfurrias Border Patrol Checkpoint, along with canine handler USBP Agent Eleno Barron and his canine, KAIDA at the USBP Checkpoint located on Highway 281 near Encino, Texas.

At approximately 7:30am, a silver Toyota Camry displaying Texas plates 037 XMY arrived at the primary area for an immigration inspection of its occupants. As the vehicle approached, Agent McLean observed one adult occupant.

Once the vehicle arrived at the primary inspection area, Agent McLean asked the driver, later identified as Robin Marie FISHER, if she was a United States citizen. FISHER responded stating she was a citizen, and currently on her way to Ben Bolt to pick up her sisters kids who were at school. Agent McLean noticed FISHER appeared to be nervous. FISHER was visibly shaking, stuttering, searching for words and sweating. Agent McLean noticed the registration sticker for the vehicle FISHER was driving displayed Harris County. Agent McLean asked FISHER if the vehicle was registered to her and where she was from. FISHER responded stating the vehicle was hers, and she was from Edinburg, Texas. Agent McLean then asked FISHER how long she was going to be in Ben Bolt. FISHER said she didn't know how long she would be there. Agent McLean noticed there were no belongings in the passenger compartment of FISHER's vehicle. Agent McLean asked FISHER if she had anything in the trunk of the vehicle. FISHER immediately stiffened up and her eyes widened. At this point FISHER became very defensive, attempting to hurry her inspection. Stuttering her words, FISHER said there was nothing in the trunk. Agent McLean asked if she could visually inspect the trunk. FISHER told Agent McLean she would rather she didn't and then became aggressive, using curse words, questioning why Agent McLean wanted to look in the trunk. Agent McLean then requested consent to visually inspect the trunk. FISHER stated she was running late and that she didn't understand why Agent McLean was asking to look. Agent McLean then called for a supervisor to assist on primary. Supervisory Border Patrol Agent Rigoberto Hernandez responded to assist and began questioning FISHER. FISHER began making statements starting with "what I meant to say," in an attempt to cover inconsistencies in her story that was given to Agent McLean.

While this inspection was ongoing, USBP Agent Hector Aguilar was performing immigration inspection duties on the primary lane next to Agent McLean. A tan Lexus ES300 displaying Texas plates CG8 Z292 approached for an immigration inspection with one visible occupant, later identified as Jay Denton McMULLAN. As Agent Aguilar conducted his immigration inspection, USBP Agent Barron

notified Agent Aguilar that his canine, KAIDA, was alerting to the trunk of the vehicle. Agent Aguilar asked McMULLAN to move to the secondary inspection area. McMULLAN asked Agent Aguilar "Is this necessary"? Agent Aguilar asked him again to move to the secondary inspection area, with McMULLEN replying, "Okay". Once in the secondary inspection area, a search of the vehicle was conducted. Two subjects, later identified as Jose Palma-Pedroza and Linder Raquel Gonzalez-Lopez were discovered in the trunk of the Lexus. McMULLAN was then placed under arrest and escorted inside of the checkpoint. It was then determined that the Lexus was registered out of Harris County, and the two vehicles, the Lexus ES300 and the Toyota Camry on Agent McLean's primary lane were possibly associated. This information given to Agent McLean and a canine alert on the Toyota Camry gave Agent McLean reasonable suspicion to refer FISHER to the secondary inspection area. At this time she complied and pulled over. Once FISHER was in the secondary inspection area she was asked to exit her vehicle. A search of FISHER's trunk was then conducted based on a canine alert by Agent Barron and his service canine KAIDA. Search of the trunk revealed two subjects, later identified as Alvaro Leyva-Calderon and Gildardo Lopez-Jimenez.

At this point, FISHER, Leyva and Lopez were placed under arrest and escorted inside the checkpoint.

Agents advised McMULLAN of his Miranda Rights, McMULLAN indicated he understood his rights and refused to speak with agents without an attorney present.

Agents advised FISHER of her Miranda Rights and FISHER agreed to speak with agents without an attorney present.


FISHER told agents on October 6, 2014, an individual she knows as "KEVIN" offered her a chance earn money. According to FISHER, KEVIN instructed her to drive to the Knights Inn in Edinburg, Texas on October 7, 2014 where people would be waiting in room #200. KEVIN told FISHER she would be paid \$1,800.00 total for transporting the subjects to Houston, Texas. FISHER stated when she arrived at the Knights Inn, she knocked on the door of room #200 and two individuals answered. After talking to them, she handed them the keys to the vehicle so they could get in the trunk of the vehicle. FISHER walked to a nearby McDonald's to purchase a drink, returned to the vehicle, verified that the two individuals were in the trunk of the vehicle and began driving north on Highway 281. FISHER was asked if she knew the illegal aliens were in the trunk of her vehicle, to which she answered yes. FISHER was asked if she knew it was unsafe for anyone to travel in the trunk of a vehicle, to which she answered yes. FISHER was asked if she knew the driver of the Lexus, McMULLAN. FISHER told agents McMULLAN was her ex-husband and has known him of eighteen years. At this point FISHER stated she wanted an attorney and the interview ended.

During an interview, Gildardo Lopez-Jimenez stated he was waiting at a house when a woman knocked on the door. According to Lopez, he heard the woman say "I want two" and a male who had answered the door called for any two individuals in the residence to come forward. Lopez stated he and another individual walked outside where the woman was waiting with the trunk open. The male who had opened the door of the residence told Lopez and the other individual to get into the trunk. Lopez stated he climbed into the trunk and closed it behind him. Lopez was shown a photo line-up containing a photograph of FISHER. Lopez identified FISHER as being the driver of the vehicle he was in.

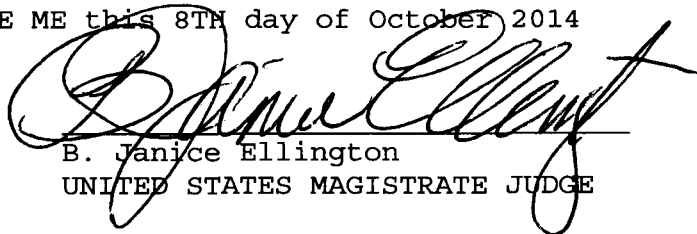
Gonzalez, Leyva and Palma refused to speak with agents, therefore, gave no exculpatory statements. Gildardo, Gonzalez, Leyva and Palma will be held as material witnesses in this investigation.

Records checks showed McMULLAN having been arrested on May 1, 2014 and May 13, 2014 attempting to transport illegal aliens. On September 11, 2014, Officer DeLeon with the Robstown Police Department stopped a 2001 Chevrolet Malibu for failing to signal. The vehicle was found to be occupied by Kevin BUGGEY, McMULLEN and FISHER. During the stop, BUGGEY stated the group was traveling to Falfurrias, Texas to pick up vehicles while FISHER and McMULLEN stated they were traveling to Edinburg, Texas. BUGGEY subsequently told officers the vehicle was going to be used to pick up two additional vehicles and illegal aliens in Pharr, Texas.

Assistant United States Attorney (AUSA) Patti Booth was contacted and agreed to prosecute McMULLAN and FISHER for violating 8 USC 1324.

  
Andrew A. Rendon, Special Agent  
Homeland Security Investigations

SWORN TO AND SUBSCRIBED BEFORE ME this 8TH day of October 2014

  
B. Janice Ellington  
UNITED STATES MAGISTRATE JUDGE